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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N	
09/937,899	09/28/2001	Markku Koulu	2630-111	5535	
	590 09/22/2004		EXAM	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W.			KELLY, ROBERT M		
SUITE 800	•		ART UNIT	PAPER NUMBER	
WASHINGTO:	N, DC 20005		1632		
			DATE MAILED: 09/22/2004	1	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	09/937,899	KOULU ET AL.					
, sa	Examiner	Art Unit					
	Robert M Kelly	1632					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 30 August 2004 FAILS TO PLACE Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applic) a timely filed amendment whi	cation. A proper replication of the property of the capacity o	ly to a				
	PLY [check either a) or b)]	\$ <u>.</u> +					
a) The period for reply expiresmonths from the mailing d b) The period for reply expires on: (1) the mailing date of this Advi							
b) A the period for reply expires on: (1) the mailing date of this Advievent, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The dathave been filed is the date for purposes of determining the period of extensions.	an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE e on which the petition under 37 CFR 1.1	the final rejection. FINAL REJECTION. Se 36(a) and the appropriate.	e MPEP				
(b) above, if checked. Any reply received by the Office later than three molearned patent term adjustment. See 37 CFR 1.704(b).	statutory period for reply originally set in t nths after the mailing date of the final reje	the final Office action; or (2 ction, even if timely filed, n	2) as set forth in				
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
2. The proposed amendment(s) will not be entered because:							
(a) 🔯 they raise new issues that would require further consideration and/or search (see NOTE below);							
(b) ☐ they raise the issue of new matter (see Note below);							
(c) Ithey are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) they present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: <u>See Continuation Sheet</u> .							
3. Applicant's reply has overcome the following reject	tion(s): See Continuation Sheet						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed	amendment				
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See	reconsideration has been consections	idered but does NO	Γ place the				
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which were	e newly				
7. For purposes of Appeal, the proposed amendments explanation of how the new or amended claims we	(s) a)⊠ will not be entered or b) ould be rejected is provided belo	will be entered a	nd an				
The status of the claim(s) is (or will be) as follows:	, ,						
Claim(s) allowed: <u>NONE</u> .							
Claim(s) objected to: 4-7 and 11.							
Claim(s) rejected: <u>8,14 and 15</u> .							
Claim(s) withdrawn from consideration: NONE.							
The drawing correction filed on <u>30 August 2004</u> is a) \boxtimes approved or b) \square disapproved by the Examiner.							
. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
10.□ Other:							
	R/ F	AM R. SHUKLA, PH. PRIMARY EXAMINE	D. R				

U.S. Patent and Trademark Office PTOL-303 (Rev. 11-03) Continuation of 2. NOTE: e.g., The proposed amendment to Claim 8, as well as proposed amended Claim 14 and proposed new claim 16 will require a new search because Claim 8 recites a SEQ ID NO. The claims at the time of final rejection did not encompass any such SEQ ID NO. Proposed Claims 14 and 16 also encompass the same SEQ ID NO. Additionally, Applicant's new terms of complimentarity in proposed Claim 8 and proposed newly presented Claim 16 may raise new matter issues.

Continuation of 3. Applicant's reply has overcome the following rejection(s): The written description rejection to Claims 8, and 14-15 will be withdrawn in light of the cancellation of Claim 15 and the amendments of Claims 8 and 14, when the amendments are entered.

Continuation of 5. does NOT place the application in condition for allowance because: The arguments with regard to enablement are not considered persuasive in view of the general unpredictabilities in the art, as discussed in the previous rejections (Official Action of 1/15/04, page 10; Official Action of 6/30/04, pages 6-9). While Lebedeva provides for a promising future, it does not enable Applicant's gene therapy invention, because gene therapy is specific for disease, gene, vector and route of administration, as addressed in the previous office actions (Id.). Moreover, Lebedeva has not been addressed by Applicant in the previous responses. Applicant's submission of US Patent Application Publication No. 2004/0006004 was similarly not offered previously. Additionally, the patentability of the invention has not yet been determined.

RAM R. SHUKLA, PH.D. PRIMARY EXAMINER